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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,011	01/26/2001	Camille Utterback	5986/1G635-US1	6359

7590 05/20/2003  
DARBY & DARBY P.C.  
805 Third Avenue  
New York, NY 10022

EXAMINER  
CAO, HUEDUNG X

ART UNIT	PAPER NUMBER
2671	9

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/771,011

Applicant(s)

UTTERBACK ET AL.

Examiner

Huedung X Cao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ ~~Claim(s) 1-10 is/are objected to~~
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6, 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Compact Disc Submission***

1. The description portion of this application contains a computer program listing consisting of more than three hundred (300) lines. In accordance with 37 CFR 1.96(c), a computer program listing printout of more than three hundred lines must be submitted as a computer program listing appendix on compact disc conforming to the standards set forth in 37 CFR 1.96(c)(2) and must be appropriately referenced in the specification (see 37 CFR 1.77(b)(4)). Accordingly, applicant is required to cancel the computer program listing appearing in the specification, file a computer program listing appendix on compact disc in compliance with 37 CFR 1.96(c) and insert an appropriate reference to the newly added computer program listing appendix on compact disc at the beginning of the specification.

### ***Allowable Subject Matter***

2. Claims 1-10 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art made of record fails to anticipate or make obvious the claimed invention. Specifically, the prior art fails to teach, in combination with the remaining elements as recited in claim 1: a method for facilitating real-time interaction between a user and a digitally represented visual environment within which the user's moving image is integrated, said method including the use of a computer, electronic memory, a

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display, a video camera, and a video input device, the method comprising the steps of: storing a first computer generated digital image in said electronic memory; assigning a velocity of movement to said digital image, said velocity of movement including a rate of movement and a direction of movement of said digital image ; recording the image of said user using said video camera; simultaneously displaying the image of said user and said stored first digital image onto said display, at a predetermined refresh rate; digitally repositioning said displayed first digital image on said display according to said assigned velocity of movement; comparing the relative position of said displayed image of said user and said displayed first digital image ; determining when said displayed first digital image and the displayed image of said user are within a predetermined distance on said display; changing said velocity of movement of said displayed first digital image in response to determining that said displayed first digital image and the displayed image of said user are within said predetermined distance; and simultaneously displaying said first digital image at said new velocity of movement, and the image of said user.

The prior art made of record fails to anticipate or make obvious the claimed invention. Specifically, the prior art fails to teach, in combination with the remaining elements as recited in claim 2: a method for facilitating real-time interaction between a method for facilitating real-time interaction between a user and digitally represented text data on a display within which the user image is integrated, the method comprising the steps of: storing text data in said electronic memory; assigning a velocity of movement to said text data, said velocity of movement including a rate of movement and a

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direction of movement of said text data; recording the image of said user using a video camera; simultaneously displaying the image of said user and said stored text data onto said display, at a predetermined refresh rate; digitally repositioning said displayed text data on said display by said assigned velocity of movement; comparing the relative position of said displayed image of said user and said displayed text data; determining when said displayed text data and the displayed image of said user are within a predetermined distance on said display; changing the velocity of movement of said displayed text data in response to determining that said displayed text data and the displayed image of said user are within said predetermined distance; and simultaneously

displaying said text data at said new velocity of movement and the image of said user.

The prior art made of record fails to anticipate or make obvious the claimed invention. Specifically, the prior art fails to teach, in combination with the remaining elements as recited in claim 9: a method for facilitating real-time interaction between a method for facilitating real-time interaction between a user and digitally represented text data on a display within which the user image is integrated, the method comprising the steps of: storing text data in an electronic memory; assigning a velocity of movement to said text data, said velocity of movement including a rate of movement and a direction of movement of said text data; storing a threshold pixel color value in electronic memory recording the image of said user using a video camera; simultaneously displaying the image of said user and said stored text data onto said display, at a predetermined refresh rate, thereby creating a combined image; determining a destination of said text

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data, according to the assigned velocity, said text data destination being the point within the combination image where the text will next be displayed; measuring the pixel color value of the displayed image at the determined text data destination; comparing the measured pixel color value at the text data destination with said stored threshold color value; displaying said text data at said text data destination in response to said comparing step determining that said measured pixel color value at the text data destination is less than said stored threshold color value; and displaying said text data at a position within said combined image on said display other than said text data destination in response to

determining in said comparing step that said measured pixel color value at the text data destination is greater than the stored threshold color value.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

 ~~What is claimed is:~~

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***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Huedung Cao** whose telephone number is **(703) 308-5024**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mark Zimmerman**, can be reached at **(703) 305-9798**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

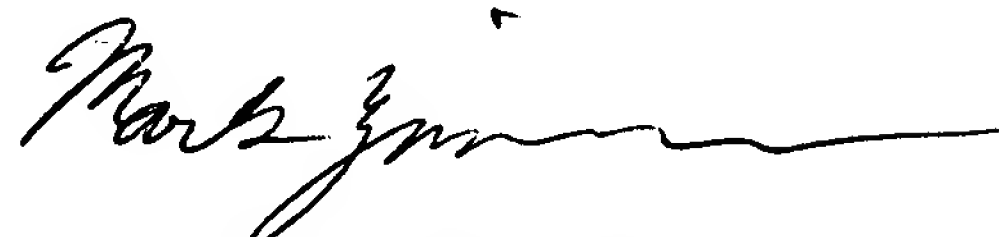
**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 305-0377.

Huedung Cao  
Patent Examiner

  
MARK ZIMMERMAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600